



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIMOTHY A. BERESNYAK,

Plaintiff,

- against -

CATHOLIC MEDICAL MISISON BOARD,
et al.,

Defendants.
-----X

20 Civ. 04083 (LTS) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Any response to Defendants' letter dated August 12, 2020 (Dkt. 28), copy attached, shall be filed no later than **August 19, 2020**.

SO ORDERED.

A handwritten signature in black ink, appearing to be "R. Lehrburger", written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 12, 2020
New York, New York

Copies transmitted to all counsel of record.

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August 12, 2020

VIA ECF ONLY

Magistrate Judge Robert W. Lehrburger
U.S. District Court, Southern District of New York
500 Pearl Street Room 1960
New York, NY 10007

Re: *Beresnyak v. Catholic Medical Mission Board, Inc., et. al.*
Civil Case No.: 20-cv-04083-CM
Our File No.: 100.17685

Dear Judge Lehrburger:

We represent defendants Catholic Medical Mission Board, Inc., Bruce Wilkinson, Meseret Ansebo, and John Mix, collectively the “Defendants,” in the above- referenced matter. In light of the unprecedented pandemic occurring in New York and nationwide, and the reasons discussed below, Defendants respectfully request that their time to Answer Plaintiff’s Summons and Complaint be extended sixty (60) days to October 12, 2020.

- On July 22, 2020, Plaintiff improperly served upon our office the Summons and Complaint for Catholic Medical Missions Board (“CMMB”). Plaintiff’s service on our office is improper as Catholic Medical Mission Board, Inc. has a principal place of business at 100 Wall Street Floor 9, New York, New York 10005. Moreover, Plaintiff never sought our approval to accept service on behalf of CMMB, and failed to otherwise serve CMMB through. Further, Plaintiff has not indicated that he is looking to properly serve CMMB.
- On August 7, 2020, Plaintiff server upon John Mix the Summons and Complaint.
- On August 10, 2020, Plaintiff served upon Meseret Ansebo the Summons and Complaint.
- To date, Plaintiff has failed to serve Defendants Bruce Wilkinson and CMMB. In addition, and as previously indicated Plaintiff has further failed to properly serve Defendant Catholic Medical Missions Board.
- As a consequence of the pandemic and the Governor’s Cuomo’s March 7, 2020, Executive Order declaring a State disaster emergency for the entire State of New York, effective until September 7, 2020, CMMB closed its office located at 100 Wall Street Floor 9, New York, New York on March 16, 2020. CMMB’s office remained closed to its employees until August 3, 2020, when its office reopened on a voluntary basis only in order to ensure compliance with social distancing

requirements and to ensure its employees felt at ease. Moreover, and as further result of the ever changing climate due to the pandemic, CMMB has no present plans to reopen full operations at 100 Wall Street Floor 9, New York, New York.

- As a result of CMMB's shut down at Defendants office, Defendants are incurring substantial difficulties access the materials necessary to respond to several allegations contained within Plaintiff's Summons and Complaint. In light of these issues, we have reached out to Plaintiff and requested his consent in relation to this request with the hope of filing a stipulation to this effect, and circumventing Plaintiff's need to effectuate service on the remaining Defendants. However, Plaintiff has declined consent and maintained that he has properly served Defendants and/or is in the process of doing so.

We thank Your Honor for considering this request. We look forward to reporting to the Court again as we collectively emerge from and move past the current crisis.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'RC', is placed over a light yellow rectangular background.

Raychel A. Camilleri

CC: Tim Beresnyak via ECF